

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:) Chapter 13
) Case No. 18-40034
LEMAR D. CARLISLE, SR.)
) JUDGE KAY WOODS
Debtor)
)

**MOTION TO AVOID JUDICIAL LIEN ON EXEMPT
RESIDENTIAL PROPERTY PURSUANT TO SECTION 522(f)**

Now comes Debtor, Lemar D. Carlisle, Sr., by and through counsel, and states as follows:

1. Debtor commenced this case for relief under Chapter 13 of Title 11, United States Code on January 8, 2018.
2. This Motion is filed pursuant to 11 U.S.C. §522(f) to avoid and cancel a judicial lien held by Creditor 1st Investors Financial Services, Inc. on real property used as the Debtor's residence located at 954 Bonnie Brae Avenue, Youngstown, Ohio (hereinafter "subject property").
3. The subject property has a fair market value of approximately \$13,070.00 pursuant to the records of the Trumbull County Auditor. Debtor has claimed a homestead exemption in the real property as reflected in Schedule C of his schedules.
4. Creditor Kondaur Capital Corporation has a mortgage lien on the subject property with an approximate balance due and owing at the time of filing of this proceeding in the amount of \$20,000.00.

5. On June 27, 2003, Creditor 1st Investors Financial Services, Inc. (First Investors Fin Services Inc), filed a judicial lien against Debtor which attached to the subject property. Said Lien is recorded with the Mahoning County Court of Common Pleas at Case Number 2003 JD 01566. The judicial lien was refiled with the Mahoning County Court of Common Pleas on May 27, 2008 at Case Number 2008 JD 02609.

6. The homestead exemption to which the Debtor is entitled under 11 U.S.C. §522(b), and/or the mortgage lien with Kondaur Capital Corporation makes the aforementioned judicial lien filed by 1st Investors Financial Services, Inc., wholly unsecured.

7. As a result of the above, Debtor is entitled to avoid the Judicial Lien on the subject property pursuant to 11 U.S.C. §522(f).

WHEREFORE, based on the foregoing, Debtor moves this Honorable Court, pursuant to Bankruptcy Rules 4003(d) and 9014, for an Order avoiding and canceling the Judicial Lien filed in the Mahoning County Court of Common Pleas by 1st Investors Financial Services, Inc.(First Investors Fin Services Inc.), at Case Nos. 2003 JD 01566 and 2008 JD 02609.

Respectfully submitted,

/s/Diane Sekerak Stevens

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CERTIFICATE OF SERVICE

I certify that on March 5, 2018, a true and correct copy of the foregoing Motion Avoid Judicial Lien, was served:

Via the Court's Electronic Case Filing system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Michael A. Gallo
Chapter 13 Trustee
mgallo@gallotrustee.com, mgallo@ecf.epiqsystems.com

Office of U.S. Trustee
Northern District of Ohio
(registered address)@usdoj.gov

And by certified U.S. mail, postage prepaid, on :

1st Investors Financial Services, Inc.
380 Interstate North Pkwy, #300
Atlanta, GA 30339

/s/Diane Sekerak Stevens

Diane Sekerak Stevens (0064775)
Attorney for Debtor(s)